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### Amendment of Rule 3.210

I am writing to oppose the amendments to Rule 3.210.

Specifically, B (2) ( c ) is inconsistent with (d) and ( e ). I fail to understand how a defaulted party who may not file pleadings until the default is set aside can appear in a case by filing an appearance or motion or by participating in any scheduled court proceedings, referee hearings, mediations, arbitration or other ADR proceedings. What is the point of the default if the party can participate? Seems it would be harder on the trier of fact to not have briefs or other documentation, but they will accept a motion. If the defaulted party is prohibited from filing pleadings, how do they participate in discovery?

(f) would place a greater burden on judges to specify exactly what the defaulted party may or may not do, particularly with the confusing list of activities they can participate in (or perhaps not) above.

B (5) is also problematic. ( c ) & ( d ) permits "other evidence not otherwise permissible." It seems the amendment would be rewarding a party who is in default by suspending the Rules of Evidence. The next time I have a custody case, perhaps I'll allow my client to go into default so I can present hearsay and other objectionable material and have the court consider that in support of my case.

I think this Amendment requires more thought and careful redrafting. I urge the Court to deny the amendment.

Thank you for your consideration. Monika Sacks

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